

**Request for Reconsideration:**

By this Amendment, Applicants now are amending claims 13 and 35, and adding new claim 36. Thus, claims 13-19, 22, 35 and 36 currently are pending in the application. No new matter is introduced by these amendments, and the amendments are fully supported by the specification, as originally filed. See Published Patent Application No. US 2004/0102796 A1, Para. [0010]. Applicants respectfully request that the Examiner enter these amendments and reconsider the above-captioned patent application in view of the foregoing amendments and the following remarks.

**Remarks:**

1. Rejections.

Claims 13-19 and 22 stand rejected under 35 U.S.C. § 103(a) as allegedly rendered obvious by PCT Publication No. WO 00/24339 to Berreklouw in view of Patent No. US 6,458,140 B2 to Akin et al. (“Akin”), and further in view of Patent No. US 4,779,901 to Halling. Claim 35 stands rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 6,074,416 to Bolduc et al. (“Bolduc”). Applicants respectfully traverse.

1. Anticipation Rejection

As noted above, claim 35 stands rejected as allegedly being anticipated by Bolduc. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . ‘The identical invention must be shown in as complete detail as is contained in the . . . claim.’” MPEP 2131 (citations omitted). The Office Action contends that Bolduc discloses each and every element of claim 35. Applicants respectfully traverse.

Claim 35 recites a method including, for example, the step of “delivering said a portion of said coupler including said fixed saddle into said blood vessel through said incision.” Bolduc, however, shows a hub 54A having an enlarged central portion on which a number of hooks 80A are disposed. See, e.g., Bolduc, Col. Lines 46-51; **Fig. 27**. Nevertheless, hub 54A is disposed on the exterior of the surface of tissue structure. Id. Therefore, Bolduc does not disclose or suggest “delivering said a portion of said coupler including said fixed saddle into said blood vessel through said incision.” Accordingly, Bolduc fails to disclose each and every limitation of claim 35, as amended. Therefore, Applicants respectfully request that the Examiner withdraw the anticipation rejection of amended, independent claim 35.

2. Obviousness Rejections

In addition, the Office Action rejects independent claim 13 and dependent claims 14-19 as allegedly rendered obvious by Berreklouw in view of Akin, and further in view of Halling. In order to establish a prima facie case of obviousness, the Office Action must demonstrate at least three (3) criteria. First, there must be an apparent reason, either in the references themselves or in the knowledge generally available to those of ordinary skill in the art, to modify the primary reference as proposed by the Office Action. Second, there must be a reasonable expectation of success. Third, the cited references must disclose or suggest all of the claim elements. MPEP 2143. Applicants respectfully submit that the Office Action fails to establish a prima facie case of obviousness for at least the following reasons.

a. Independent Claim 13

To achieve the claimed invention, the Office Action contends that Akin discloses lengthening the couplers to form a flow channel. The Office Action, however, acknowledges that Akin fails to disclose providing a flange on each the couplers crimping a clamping ring around the flanges to secure the couplers together. Office Action at Page 4. Nevertheless, the Office Action asserts that it would have been “a substitution of one known method for coupling two conduits for another known method of coupling two conduits” by modifying Akin with the flange and clamping ring arrangement of Halling. Id. Applicants respectfully traverse.

Claim 13, as amended, describes “positioning a first flange disposed at a second end of said first coupler in alignment with a second flange disposed at a second end of said second coupler” and “engaging a first mating surface of said first flange and a second mating surface of said second flange.” Halling shows first pipe 12 having a flange 24 that is not located at an end of pipe 12 near interface 66. Halling, **Fig. 1**. Accordingly, Halling fails to disclose “a

first flange disposed at a second end of said first coupler in alignment with a second flange disposed at a second end of said second coupler.”

Consequently, the Office Action fails to demonstrate a prima facie case of obviousness because the proposed combination of Berreklow, Akin, and Halling fails to disclose or suggest all of the elements of claim 13, as amended. Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejection of amended, independent claim 13.

In addition, Applicants maintain that the Office Action may not combine the cited references to modify the position of flange 24 to achieve the claimed invention of claim 13, as amended. The proposed modification of the references cannot change their principle of operation. MPEP 2143.01(VI). In Halling, the position of the flanges are positioned to permit telescopic engagement of pipes 12, 14. See, e.g., Halling, Col. 4, Lines 41-49. In addition, the interface 66 of pipe 12 is required to overlap the flow path of pipe 14 to “resist[ ] escape of fluid flowing in pipes 12 and 14.” Id., Col. 4, Lines 63-68. Further, Akin also requires that at least portion of the corresponding flow channels 98, 102 overlap (i.e., channel 102 is inserted into channel 98) in order to form “a fluid-tight flow channel.” Akin, Col. 15, Lines 41-54; Col. 16, Lines 16-21. Accordingly, neither Akin nor Halling can be modified in a manner that would prevent telescopic engagement of the respective couplers.

b. Dependent Claims 14-19

Claims 14-19 and 22 depend, either directly or indirectly, from independent claim 13, as amended, and, thus, incorporate all of the elements of allowable claim 13. MPEP 2143.03 states that “[i]f an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejections of dependent claims 14-19 and 22.

3. New Claim 36.

New claim 36 depends from allowable claim 13 and is therefore allowable for at least the same as reasons as claim 13. In addition, new claim 36 recites that the conduits are “blood vessels.” Akin discloses, in relevant part, that:

The device of the invention in any of its embodiments may be inserted without the use of special surgical tools. Specifically, the device may be inserted manually (i.e., using the surgeon’s fingers alone) or in combination with other surgical equipment normally used when operating on a patient.

Akin, Column 21, Lines 51-56.

Halling shows that clamp members 88, 90 are tightened by using locking assembly 94 including a tightening bolt 96 threadingly receiving a threaded nut 97. See, e.g., Halling, Col. 5, Lines 21-30. Applicants respectfully submit that Halling does not disclose a clamping ring that “may be inserted without the use of special surgical tools.” As noted previously, the proposed modification of a reference cannot change its principle of operation. MPEP 2143.01(VI). Therefore, Akin may not be modified with Halling in the manner the Office Action proposes to achieve the claimed invention of claim 36. Accordingly, Applicants respectfully request the allowance of new claim 36.

**Conclusion:**

Applicants maintain that the above-captioned patent application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application, in person or by telephone, with Applicants' representative, we would welcome the opportunity to do so.

Applicants believe that no fees are due as a result of the submission of this Responsive Amendment. Nevertheless, in the event of any variance between the fees determined by Applicants and the fees determined by the PTO, please charge or credit any such variance to the undersigned's **Deposit Account No. 02-0375**.

Respectfully submitted,  
**BAKER BOTTS, L.L.P.**

Date: **July 24, 2008**

By: /William S. Foster, Jr./  
William S. Foster, Jr.  
Registration No. 51,695

BAKER BOTTS, L.L.P.  
The Warner  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2400  
Tel.: (202) 639-7700  
Fax: (202) 639-7890

WSF/